

# Mobil Oil Corporation

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August 11, 1993

Office of the Chief Counsel  
Federal Highway Administration  
Room 4232, HCC-10  
400 Seventh Street, SW  
Washington, DC 20590

FHWA-97-2180-29

FHWA DOCKET NO. MC-92-4;  
FEDERAL MOTOR CARRIER SAFETY REGULATIONS;  
TRANSPORTATION OF HAZARDOUS MATERIALS

Gentlemen:

Mobil Oil Corporation (Mobil) is an integrated petroleum company engaged in the exploration, production, manufacture, marketing and distribution of crude petroleum oil and petroleum products. During the normal course of business, Mobil offers for transport and transports significant quantities of petroleum products utilizing various transportation modes, including motor carriage.

Mobil continues to support DOT's efforts to enhance highway safety, and is pleased to provide comments responding to the Federal Highway Administration Notice of Proposed Rulemaking to implement parts of Section 8 and Section 15 of the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA). As applicable to this proposed rulemaking, Section 8 requires establishment of a motor carrier safety permitting program, at a minimum, for motor carriers transporting designated high risk hazardous materials: and Section 15 requires periodic inspection of commercial motor vehicles transporting highway route controlled quantity radioactive materials.

While Mobil is in support of DOT's efforts to enhance highway safety, it is suggested that this additional registration and permitting program be limited in scope to only transporters of high risk hazardous materials noted in Section 8 of HMTUSA. DOT should not extend this additional registration/permitting program beyond the statutory requirements of Section 8 of HMTUSA.

Mobil is in agreement with DOT that administrative burdens both to motor carriers and the Agency should be kept to a minimum. DOT has proposed that Form MCS-150 be submitted by motor carriers to apply for an identification number as well as for a safety permit. It is suggested that DOT consider safety permitting as an extension of the existing Hazardous Materials Transportation Registration and

FHWA DOCKET MC-92-4-30  
PAGE 1 OF 3

# Mobil

Office of the Chief Counsel  
Federal Highway Administration

- 2 -

August 11, 1993

Fee Assessment Program. While all hazardous materials transporters would be required to register, not all would be required to obtain safety permits. Hazmat registration and/or permitting at the state and local level authorized by Section 22 of HMTUSA would be administered using one standard format and process. We request DOT consider merging FHWA safety permit and RSPA hazmat registration processes, similar to the Section 22 process.

Reference is made to a subsequent rulemaking which is to be initiated by RSPA which will address shipper responsibility to offer a hazardous material to a motor carrier only if the carrier holds a safety permit authorizing such transportation. While we acknowledge the need to offer hazardous materials falling in designated high risk hazardous materials categories to motor carriers holding safety permits, consistent with our comments submitted in response to FHWA Docket No. MC-91-8, Safety Fitness Procedures; Safety Ratings, DOT must be prepared to allow shippers ready access to the Motor Carrier Management Information System (MCMIS) or other currently maintained on-line system to verify motor carrier safety fitness and safety permit issuance. Motor carriers should be required to provide to shippers of designated high risk hazardous materials, proof of fitness and safety permit issuance. Providing shippers proper safety permit documentation would preclude the need to identify on shipping papers or on appropriate transportation documents the assigned motor carrier safety permit numbers. Motor carriers should be allowed to maintain safety permit information at their primary place of business and be required to provide this information to shippers with which the motor carrier conducts business. The requirement to enter the motor carrier safety permit numbers on each shipping paper would not serve to further enhance highway safety. Entry of the safety permit number on shipping papers would necessarily be a manual effort whose accuracy would be driven by individual driver diligence. We could foresee an ongoing compliance problem with no identifiable benefit.

Mobil requests that FHWA strive for consistency with current definitions in the Hazardous Materials Regulations (HMR). Specifically, a new definition of "bulk" is being proposed which conflicts with the definition in the HMR. Additionally, new terms not existing in the HMR are being introduced, "designated high risk hazardous material" and "extremely toxic by inhalation materials". It is suggested that existing hazardous materials classifications be used to avoid confusion of both carriers and shippers. Finally, we can foresee confusion regarding which hazardous materials are included in the broad definition of "designated high risk hazardous materials" (i.e., liquified natural gas is included in

# Mobil

Office of the Chief Counsel  
Federal Highway Administration

- 3 -

August 11, 1993

Division 2.1; however, not all Division 2.1 hazardous materials are covered by this new definition).

Mobil appreciates the opportunity to provide comment to the Department of Transportation on its proposed rulemaking, Federal Motor Carrier Safety Regulations: Transportation of Hazardous Materials.

Very truly yours,



J. V. Zimmer

JVZ/jkj  
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